

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LASHERRELL WHITE,
Plaintiff,

v.

EQUIFAX INFORMATION
SERVICES LLC,
Defendant.

Case No. _____

**DEFENDANT EQUIFAX INFORMATION SERVICES LLC’S
NOTICE OF REMOVAL**

Defendant Equifax Information Services LLC, incorrectly named as Equifax Information Services, (“Equifax”) in the state-action, by its attorneys and pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, removes this case from the Magistrate Court of DeKalb County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division. In support of its Notice of Removal, Equifax states as follows:

BACKGROUND AND TIMELINESS

1. On or about March 17, 2023, LaSherrell White (“Plaintiff”) commenced a civil action against Equifax by filing a Statement of Claim in the Magistrate Court of DeKalb County, Georgia, entitled *LaSherrell White v. Equifax Information Services*; Case No. 23M02696.

2. Equifax was served with the Plaintiff's Complaint on March 29, 2023. True and correct copies of the Statement of Claim, together with all process, pleadings, and orders served upon or by Equifax, are attached as **Exhibit A**. These documents constitute all "process, pleadings, and orders" served upon Equifax in the state court action as required by 28 U.S.C. § 1446(a).

3. This Notice of Removal is timely, as Equifax has filed this Notice of Removal within thirty days of service. *See* 28 U.S.C. § 1446(b).

4. Equifax is the only defendant in this matter.

THIS CASE IS REMOVABLE BASED UPON FEDERAL QUESTION
JURISDICTION

5. In their Complaint, Plaintiff purports to bring claims arising out of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681 *et seq.* (*See* Exhibit A, Statement of Claim.)

6. Pursuant to 28 U.S.C. § 1441(a), "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants to the district court of the United States for the district and division embracing the place where such action is pending."

7. This Court has original federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331, which provides that the “district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” This is because Plaintiff alleges that Equifax violated the FCRA, which is a federal law. *Id.*

8. Accordingly, this action is removable to this Court pursuant to 28 U.S.C. § 1441.

VENUE AND NOTICE TO STATE COURT

9. Removal is appropriate “to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a). Because this action is pending in the Magistrate Court of DeKalb County, Georgia, for purposes of removal, venue is proper in this Court pursuant to 28 U.S.C. §§ 1441 and 1446(a). Equifax, therefore, removes this action to the United States District Court for the Northern District of Georgia, Atlanta Division.

10. Promptly upon the filing of this Notice of Removal, Equifax shall file a Notice of Filing of Removal to Federal Court, together with a copy of the Notice of Removal, with the Magistrate Court of DeKalb County, Georgia, and will serve a copy thereof on Plaintiff, pursuant to 28 U.S.C. § 1446(d). A copy of this Notice (without exhibits) is attached hereto at **Exhibit B**.

CONCLUSION

11. Equifax submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff, without conceding that Plaintiff has pleaded claims upon which relief can be granted, and without admitting that Plaintiff is entitled to any monetary or equitable relief whatsoever (or that the damages he seeks may be properly sought).

12. Should Plaintiff seek to remand this case to state court, Equifax respectfully asks that it be permitted to brief and argue the issue of this removal prior to any order remanding this case. In the event the Court decides remand is proper, Equifax asks that the Court retain jurisdiction and allow Equifax to file a motion asking this Court to certify any remand order for interlocutory review by the Eleventh Circuit Court of Appeals, pursuant to 28 U.S.C. § 1292(b).

13. Based on the foregoing, this Court has original federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331 due to Plaintiff's FCRA claims. Therefore, the Court properly may exercise jurisdiction over this lawsuit. *See* 28 U.S.C. § 1441.

14. In filing this Notice of Removal, Equifax does not waive any, and specifically reserves all, defenses, exceptions, rights and motions. No statement or

omission in this Notice shall be deemed an admission of any allegation of or damages sought in the Complaint.

WHEREFORE, Equifax submits that this action properly is removable based on original federal question jurisdiction and respectfully requests that the above-described action pending against it be removed to the United States District Court for the Northern District of Georgia, Atlanta Division. Equifax also requests all other relief, at law or in equity, to which it justly is entitled.

DATED: April 28, 2023

Respectfully submitted,

By: / s/ Eric Barton

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Attorney for Defendant

Equifax Information Services LLC,

*incorrectly named as Equifax Information
Services*

CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2023, I presented the foregoing DEFENDANT EQUIFAX, INC's NOTICE OF REMOVAL with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record. I further certify that a copy of the foregoing document has also been served via U.S. Mail with adequate postage thereon addressed as follows:

LaSherrell White
430 Spring Gate Drive
Stone Mountain, Georgia 30087

/s/ Eric Barton

Eric Barton

Attorney for Defendant

*Equifax Information Services LLC,
incorrectly named as Equifax Information
Services*